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RESULTS
SPECIAL TOWN MEETING
July 27, 2009

The meeting was televised by Amherst Community Television and shown on the Government Channel.

The Special Town Meeting was called to order by the Moderator, Harrison Gregg at 7:35 p.m. There were 244 town meeting members. 123 checked in and a quorum was declared. The call and the return of the warrant were read by Town Clerk, Sandra J. Burgess.

ARTICLE 1. Local Option Meals Excise (Select Board)

VOTED unanimously that the Town accept M.G.L. c. 64L, §2(a) to impose a local meals excise. Action taken on 7/27/2009.

A motion made by Vincent O'Connor to refer the article back to the Select Board and the School Committee was defeated.

ARTICLE 2. Local Option Room Occupancy Excise (Select Board)

VOTED unanimously that the Town amend its local room occupancy excise under M.G.L. c. 64G, §3A to the rate of 6%.

Action taken on 7/27/2009.

ARTICLE 3. Atkins Economic Opportunity Area – Amendment (Select Board)

VOTED to amend the existing Atkins Economic Opportunity Area (EOA) the area known as Atkins Fruit Bowl, 1151 West Street, shown as Parcels 25B-51 and 25B-57 and described in the Atkins Economic Opportunity Area Application, dated June 9, 2009 as amended which is on file with the Town Clerk, the Assessors' Office, and the Select Board's Office; and that the Town authorizes the Select Board to offer the granting of an amended Tax Increment Financing (TIF) agreement for qualified economic development projects undertaken within said Economic Opportunity Area.

Action taken on 7/27/2009.

ARTICLE 4. Atkins Economic Opportunity Area – Project Certification Application (Select Board)

VOTED to approve a new Project Certification Application dated June 9, 2009 as amended, submitted by Atkins Fruit Bowl, Inc. and Orchard Run Associates for construction of a new facility within the amended Atkins Economic Opportunity Area shown as 1151 West Street, Parcels 25B-51 and 25B-57 (Exhibit A of the EOA application) and the form of the amended Tax Increment Financing (TIF) agreement between Atkins Fruit Bowl, Inc. and Orchard Run Associates and the Town of Amherst. This approval is for the information contained in both the amended Economic Opportunity Area Application and the amended Project Certification Application that confirms:

- a) The Project as proposed is consistent with and can reasonably be expected to benefit significantly from the inclusion in the amended Economic Opportunity Area; and
- b) The Project contains an expansion of the existing project which was certified for the Economic Opportunity Area and together will not overburden the Town's infrastructure and utilities servicing the amended EOA; and
- c) The Project as described in the amended Project Certification Application will increase employment for residents of the Greater Franklin County Economic Target Area, thereby reducing economic depression; and

- d) The Town requests that the expanded project be designated a certified project for a term of twenty (20) years from the initial project certification date.

Action taken on 7/27/2009.

ARTICLE 5. Photovoltaic Solar Panel Systems Contract (Select Board)

VOTED unanimously to authorize the Town Manager to sign a five year contract with DCS Energy for a pilot program to install two photovoltaic solar panel systems for the Department of Public Works.

Action taken on 7/27/2009.

Robert Kusner, Nonny Burack, H. Oldham Brooks, Nancy Gordon, Hilda Greenbaum, and James Pistrang were sworn in as tellers.

ARTICLE 6. FY2010 Library Services Operating Budget Amendment (Jones Library Trustees)

DEFEATED Yes 78, No 96 [*To see if the Town will amend the action taken under Article 22 of the 2009 Annual Town Meeting (FY 2010 Operating Budget) by increasing the amount approved for the Library Services Operating Budget by \$34,704 and the amount raised and appropriated for the Town's share of that budget by \$34,704.*]

Action taken on 7/27/2009.

ARTICLE 7. Petition – Library Services Operating Budget Amendment (Ms. Holland)

VOTED TO DISMISS [*“To see if the Town will amend the action taken under Article 22 of the 2009 Annual Town Meeting (FY 2010 Operating Budget) by appropriating and transferring to the budget for Library Services the sum of \$34,704 from Free Cash in the Undesignated Fund Balance of the General Fund.”*]

Action taken on 7/27/2009.

The business of the warrant having been completed, the meeting voted to dissolve at 9:33 p.m. on Monday, July 27, 2009. 180 town meeting members were checked in.

Attest:

Sandra J. Burgess

Town Clerk